

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1467

January 17, 2018

SUMMARY OF BILL: Exempts memorials located on public property within Shelby County from the provisions of the Tennessee Heritage Protection Act (THPA).

ESTIMATED FISCAL IMPACT:

Other Fiscal Impact – Each petition for waiver meeting avoided will result in a state cost avoidance for TDEC of \$1,000 per meeting. Each contested case hearing avoided will result in a state cost avoidance for TDEC of \$1,600 per instance.

Assumptions:

- The THPA prohibits public entities exercising control of memorials, as defined pursuant to Tenn. Code Ann. § 4-1-412(a)(7), from removing, renaming, relocating, altering, or rededicating such memorials prior to receiving a waiver from the Tennessee Historical Commission (THC).
- All meetings regarding a petition for waiver must be conducted at a regularly-scheduled THC meeting and must be recorded, pursuant to Tenn. Code Ann. § 4-1-412(c).
- According to the Tennessee Department of Environment and Conservation (TDEC), the THC does not employ a court reporter and must hire one for waiver meetings.
- Based on previous occurrences, the cost to employ a temporary court reporter is estimated to be \$1,000 per meeting.
- Pursuant to Tenn. Code Ann. § 4-5-223, any affected person may petition an agency for a declaratory order as to the validity or applicability of a statute, rule, or order within the primary jurisdiction of the agency; and upon a declaratory order being filed, an agency may convene a contested case hearing.
- According to TDEC, contested case hearings have been convened in response to declaratory orders which have been filed by individuals concerning the THPA.
- Based on previous occurrences, the cost of conducting a contested case hearing is estimated to be \$1,600 per instance.
- The number of petition for waiver meetings, and the timing for any such meeting, which would occur in the absence of this legislation cannot be determined; however for every meeting avoided as a result of passage of this legislation it is estimated to result in a state cost avoidance for TDEC of \$1,000 per meeting.

- The number of contested case hearings, and the timing for any such meeting, which would occur in the absence of this legislation cannot be determined; however for every hearing avoided as a result of passage of this legislation it is estimated to result in a state cost avoidance for TDEC of \$1,600 per instance.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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